

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING AN AMENDMENT TO TABLE 4.1
IN THE EAST VALLEY PARKWAY SPECIFIC
PLAN.

WHEREAS, the City of Escondido Planning Division has conducted an annual review of the Escondido Zoning Code to determine if any revisions are necessary to reflect State mandated changes, to correct errors or inconsistencies, and to address land use considerations that have previously been overlooked; and

WHEREAS, Planning Division staff identified the need to amend Table 4.1 of the East Valley Parkway Specific Plan; and

WHEREAS, the Planning Commission of the City of Escondido, on August 24, 2021, held a public hearing to consider the amendment to the East Valley Parkway Specific Plan and unanimously recommended approval of the item as provided in Exhibit “B”; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, on October 13, 2021, the City Council of the City of Escondido did hold a duly noticed public hearing as prescribed by law. At said hearing, this City Council received and considered the reports and recommendations of the Planning Commission and City staff, and gave all persons full opportunity to be heard and to present evidence

and testimony respecting said matter. Evidence was submitted to and considered by the City Council, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted as part of the Project;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated October 13, 2021, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing.

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That the above recitations are true.

SECTION 2. That the proposed Specific Plan Amendment is statutorily exempt from further review pursuant to the California Environmental ("CEQA") and the State CEQA Guidelines Section 15378(b)(5), in that the amendment is not considered a project and will not have any potential environmental impacts, thus no further environmental review is required.

SECTION 3. That the Project satisfies the requirements of state Planning and Zoning Law.

SECTION 4. That the proposed amendments to the East Valley Parkway Specific Plan is consistent with the Escondido General Plan and applicable Elements were reviewed as part of the amendment drafting process to ensure consistency.

SECTION 5. That, after consideration of all evidence presented, and studies and investigations made by the City Council and on its behalf, the City Council makes the substantive Findings of Fact and determinations attached hereto as Exhibit "A," relating to the information that has been considered.

SECTION 6. That, considering the Findings of Fact and applicable law, the City Council hereby approves said amendments, attached as Exhibit "B" and hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 7. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 27th day of October, 2021 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Paul McNamara
6AACE50782654D3
PAUL MCNAMARA, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535B98D6C1430
ZACK BECK, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2021-11 passed at a regular meeting of the City Council of the City of Escondido held on the 27th day of October, 2021, after having been read at the regular meeting of said City Council held on the 13th day of October, 2021.

DocuSigned by:
Zack Beck
A58535B98D6C1430
ZACK BECK, City Clerk of the
City of Escondido, California

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EXHIBIT "A"
PL21-0152
FACTORS TO BE CONSIDERED / FINDINGS OF FACT

East Valley Parkway Specific Plan Amendment Determinations:

1. Over the years, staff and members of the public have found certain sections of the Escondido Zoning Code and the various Specific Plans are sometimes vague, unclear, or conflicting, which results in confusion and potential disagreement in Code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure our resident-focused government through transparent services and positive organizational culture.
2. The Planning Division maintains a regular process and schedule for maintaining the City's codes, regulations, and Specific Plans. The amendment to the East Valley Parkway Specific Plan was intended to be included in the previous amendments that were completed to the Specific Plan in 2019, but was not included in the final amendment that was brought forward for approval.
3. Over the years staff has continued to update the various Specific Plans throughout the community to ensure they reflect current community goals and remain consistent with the goals and policies of the General Plan. The minor amendment to the East Valley Parkway Specific Plan updates the review requirement for new drive-through uses within the Specific Plan area, so future development of this kind is giving the appropriate analysis to ensure that the use reflects the vision for the Specific Plan area. A larger East Valley Specific Plan update is nearing completion, and this amendment is consistent with those goals and provisions.
4. The Planning Commission's recommendation is based on factors pursuant to Section 33-1263 of the Escondido Zoning Code.
5. The public health, safety, and welfare would not be adversely affected by the proposed Specific Plan amendment because it is consistent with previous updates made to the East Valley Parkway Specific Plan and consistent with the long-term goals and policies for the Specific Plan area. This effort is not intended to be a comprehensive update to the Specific Plan or change land use densities or intensities.
6. The proposed Specific Plan amendment does not conflict with any Escondido Zoning Code requirements.

Exhibit "B"

EAST VALLEY PARKWAY SPECIFIC PLAN

Section 4. Land Use

Table 4.1 of the East Valley Parkway Specific Plan shall be amended to include the language provided below.

Table 4.1
Permitted and Conditionally Permitted Principal Uses

Use	CG	CP	HP
Restaurants, cafes, delicatessens, and sandwich shops without alcoholic beverages			
<ul style="list-style-type: none">Auto oriented drive-in, drive-through (Section 33-341*)	C	---	---